



***COMMONWEALTH of VIRGINIA***  
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November 10, 2004

The Honorable Robert G. Burnley, Director  
Department of Environmental Quality  
Commonwealth of Virginia  
629 East Main Street  
Richmond, Virginia 23219

Re: Final Amendments to Regulations Concerning Consumer Products  
(9 VAC 5 Chapter 40, Rev. G03)

Dear Mr. Burnley:

I have reviewed the above-referenced final regulation amendments, as adopted by the State Air Pollution Control Board on November 3, 2004.

It is my view that the Board possesses statutory authority to promulgate the above-referenced final regulation amendments.

This communication, concerning the legal authority of the Board to adopt subject regulation, does not address any policy matters embodied in the regulation. It is the Board's responsibility to determine policy issues arising in connection with the adoption of regulations within its authority.

Sincerely,

Carl Josephson  
Senior Assistant Attorney General